(22)

HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION No. 335 of 1998

PETITIONERS : 1. Ramadhar S/o Motiram.
2. Basant Kumar, S/o Ramadhar.
3. Ashok Kumar, S/o Ramadhar.
4. Vinod Kumar, S/o Ramadhar.
All Residents of Village Dhamni, R.N.Mandal Bilha, Distt. Bilaspur (MP)

VERSUS

RESPONDENTS : 1. The Additional Collector, Bilaspur, Distt. Bilaspur (MP)
2. The Sub-Divisional Officer, Bilaspur (MP)
3. Dauram S/o Mangal
4. Keela Bai, W/o Panchram.
5. Khelanram S/o Runsay.
6. Keshav Pd. S/o Jugru Prasad.
7. Banshiram S/o Mangal
8. Guha S/o Huklaha
9. Shankarlal S/o Ludu
All Residents of Sambalpuri, R.N.Mandal Bilha, Distt. Bilaspur (MP)

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA.

Single Bench : Hon'ble Justice Shri Satish K. Agnihotri.

Present: Shri Rajiv Shrivastava, Advocate appearing on behalf of Shri Sanjay K. Agrawal, Advocate for the petitioners.
Miss Deepali Pandey, Panel Lawyer for the State/respondents 1 & 2.

ORDER
(Passed on 24th day of July, 2007)

1. The petitioner is aggrieved by order dated 18.11.1997 passed by the Additional Collector, Bilaspur in Review case No. 1'Ba'/121/97/98 dated 18.11.1997 (Annexure P/2) whereby the respondent No. 3 to 9 were directed to file an appeal after condoning the delay before the Collector under the provisions of Section 8 of the Chhattisgarh Samaj Ke Kamjor Vargon Ke Krishi Bhumi-Dharakon Ka Udhar Dene Walon Ke Bhumi Hadapane Sambandhi Kuchakron Se Paritran Tatha Mukti Adhiniyam,

(23)

1976. Learned counsel appearing for the petitioner submits that the required limitation is 30 days from the date of passing of such order.

2. Learned counsel further submits that there is no provision for condonation of delay. The impugned order was passed in November, 1997. The petitioner has filed this writ petition on 14.12.1998. Thereafter, no step was taken for getting the matter expedited for hearing.

3. The matter is taken up for hearing today. About 10 years have passed. In the meantime, the appeal might have been disposed of on merit. At this stage, going into the provisions as to whether the Additional Collector has power to condone the delay in preferring appeal before the Collector would not subserve any purpose. Thus it not necessary to examine the validity and legality of the impugned order dated 18.11.1997. Learned counsel is also not in a position to inform the Court as to what is the stage of the case.

4. Accordingly, this petition is dismissed as having become infructuous. In the event, it is found that the appeal has not been disposed of and the cause of action still survives, the petitioner is at liberty to make an application for review of this order, if he so desires. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Amit